

REMARKS

Claims 1-3 are pending in this application, of which claim 1 is independent. In this Amendment, claim 1 has been amended. Care has been exercised to avoid the introduction of new matter. Support for the Amendment should be apparent throughout the originally filed description of the specification.

A Request for Continued Examination is filed herewith.

Rejection of Claims under 35 U.S.C. § 103(a)

Claims 1-3 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hakkinen et al. (U.S. Patent Application Publication No. 2001/0023185) (“Hakkinen”) in view of Hassan et al. (U.S. Patent No. 5,722,049) (“Hassan”). In paragraph 1 of the Advisory Action dated April 10, 2008, the Examiner indicated as follows (emphasis in original):

However, the end of the above limitations states “transmitting a diversity reception stop instruction to the one mobile station already connected”. This does not necessarily indicate that the mobile station itself is performing the diversity reception. This part of the limitation could mean that either the mobile station, or the base station ends the diversity reception. In fact, there is no clear indication at all in this limitation that the mobile station itself receives signals using diversity reception. As the limitation is currently worded, the diversity reception stop instruction could be sent to the mobile station to instruct the mobile station, **or** in order to inform the mobile station that the base station will stop the diversity reception, the latter which is taught in the Hassan reference.

Claim 1 has been amended to recite “when communicating with only one mobile station using time-division time slots, allowing the mobile stations to keep the diversity reception performed in the mobile stations, and when starting communicating with the second or further mobile station using the space division multiplex method, transmitting a diversity reception stop instruction to the one mobile station already connected to end the diversity reception performed in the mobile station” (emphasis shows changes). Claim 1, as amended, recites that the mobile

stations perform diversity reception, and the diversity reception stop instruction to send to the one mobile station to instruct the mobile station to end the diversity reception.

The Examiner admitted that Hassan teaches informing a mobile station that a base station will stop diversity reception, but does not teach sending a diversity reception stop instruction to a mobile station to instruct the mobile station to stop the diversity reception. As mentioned above, Claim 1 clearly recites transmitting the diversity reception stop instruction to the one mobile station to instruct the mobile station to end the diversity reception. Accordingly, it is apparent that the claimed subject matter is different from what is taught by Hassan. Hakkinen does not cure the deficiencies of Hassan.

Based on the foregoing, Applicant submits that Hakkinen and Hassan, either individually or in combination, do not disclose or suggest a radio base station including all the limitations recited in independent claim 1. Dependent claims 2 and 3 are also patentably distinguishable over Hakkinen and Hassan at least because these claims respectively include all the limitations recited in independent claim 1. Applicant, therefore, respectfully solicits withdrawal of the rejection of the claims and favorable consideration thereof.

Conclusion

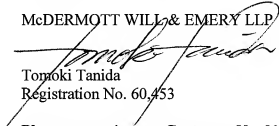
In view of the above amendments and remarks, Applicant submits that this application should be allowed and the case passed to issue. If there are any questions regarding this Amendment or the application in general, a telephone call to the undersigned would be appreciated to expedite the prosecution of the application.

Application No.: 09/781,585

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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